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PATENT

Attorney Docket 044921-5029-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **William E. Munger et al.**

Application No. 09/960,706

Filed: **September 24, 2001**

Art Unit: 1631

Examiner: **Marjorie A. Moran**

For: **Identifying Drugs For and Diagnosis of Benign Prostatic Hyperplasia
Using Gene Expression Profiles**

U.S. Patent and Trademark Office
Customer Window, **Mail Stop AF**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

TRANSMITTAL FORM

- Transmitted herewith is a Response Under 37 C.F.R. 1.116 in response to the Final Office Action dated October 6, 2004.
- Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants petition for a two-month extension of time from January 6, 2005 to March 6, 2005, the fee for which is **\$450.00** as set out in 37 C.F.R. 1.17(a). The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310. This request is being filed under the next business day rule on Monday, March 7, 2005 as the due date for responding fell on a Sunday (March 6, 2005).
- Fee Calculation (37 C.F.R. 1.16):

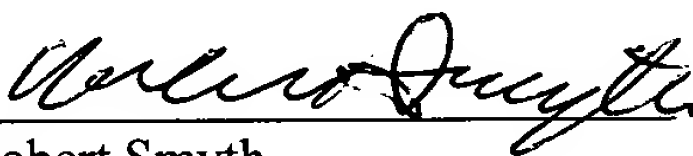
CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	9	minus	54	0	\$50.00 each=	0.00
Independent Claims	1	minus	7	0	\$200.00 each=	0.00
First presentation of Multiple dependent claim					\$360.00	0.00
Sub-total =						0.00
Reduction by ½ for filing by a small entity						0.00
Total Fee =						0.00

- Additional Papers Submitted:
(i) Information Disclosure Statement Under 37 C.F.R. 1.97(d)

- (ii) Form PTO-1449
 - (iii) Copies of three documents
 - (iv) Copy of the International Search Report dated December 10, 2004
 - (v) Duplicate of form PTO-1449 filed June 11, 2002 with replacement copies of seven documents
 - (vi) Duplicate of form PTO-1449 filed August 21, 2002 with replacement copies of two documents
5. Fee Payment: The Commissioner is hereby authorized to charge **\$630.00** to Deposit Account No. 50-0310 for payment of the two-month extension of time fee (\$450.00) and the Information Disclosure Statement fee (\$180.00).
6. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **March 7, 2005**
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202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP


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